

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

FILED

JAN 23 2012

BILLINGS DIVISION

PATRICK E. DUFFY CLERK
BY _____
Deputy Clerk

UNITED STATES OF
AMERICA,

Plaintiff,

vs.

JOSE LUIS CANO,

Defendant.

CR 11-49-BLG-RFC

FINDINGS AND
RECOMMENDATIONS
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to Count I of the Indictment.

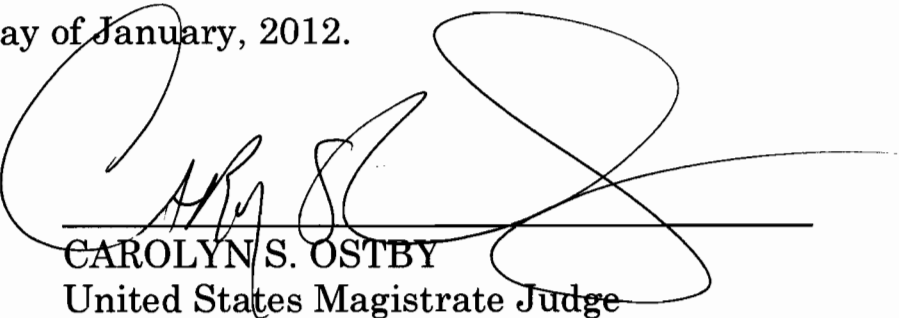
After examining the Defendant under oath, I have determined that the guilty plea was knowingly, intelligently, and voluntarily entered; that the Defendant fully understands his constitutional rights and the extent to which such rights are waived; and that the offense charged and to which a guilty plea was entered contained each of the essential elements of the offense.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that each and every provision is true. I recommend that the Defendant be adjudged guilty and that sentence be imposed. A presentence report has been ordered. Should the Court accept this recommendation, a sentencing date will be set by Chief Judge Cebull.

Objections to these Findings and Recommendation are waived unless filed and served within fourteen (14) days. 28 U.S.C. § 636(b)(1)(B); Fed. R. Crim. P 59(b)(2).

If this Court adopts this recommendation to accept Defendant's guilty plea to Count I and the Defendant is thereby convicted of the offense, Defendant has acknowledged, in paragraph 13 of the Plea Agreement, that the Court will then order that he be detained unless he can satisfy the requirements of 18 U.S.C. § 3143(a)(2).

DATED this 23rd day of January, 2012.



CAROLYN S. OSTBY
United States Magistrate Judge